

87th Legislative Session – 2012

Committee: Senate Judiciary

Thursday, January 26, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Tieszen, Chair
P Cutler, Vice-Chair
P Begalka
P Vehle
P Buhl
P Hunhoff (Jean)
E Nygaard

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, JANUARY 24, 2012

Moved by: Begalka
Second by: Buhl
Action: Prevailed by voice vote.

MOTION: CONFIRM REAPPOINTMENT OF KRISTA HEEREN-GRABER OF HUTCHINSON COUNTY, FREEMAN, SOUTH DAKOTA, TO THE SD INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION

Moved by: Cutler
Second by: Vehle
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Tieszen, Cutler, Begalka, Vehle, Buhl, Hunhoff (Jean)

Excused: Nygaard

MOTION: PLACE CONFIRMATION ON CONSENT CALENDAR

Moved by: Cutler
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: CONFIRM APPOINTMENT OF DON HOLLOWAY OF PENNINGTON COUNTY, RAPID CITY, SOUTH DAKOTA, TO THE BOARD OF PARDONS AND PAROLES

Moved by: Hunhoff (Jean)
Second by: Cutler
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Tieszen, Cutler, Begalka, Vehle, Buhl, Hunhoff (Jean)

Excused: Nygaard

MOTION: PLACE CONFIRMATION ON CONSENT CALENDAR

Moved by: Cutler
Second by: Buhl
Action: Prevailed by voice vote.

SB 76: revise certain provisions relating to the retirement of justices and judges.

Presented by: Senator Russell Olson
Proponents: Harry Christianson, self, Rapid City
Roger Tellinghuisen, self, Rapid City

MOTION: DO PASS SB 76

Moved by: Hunhoff (Jean)
Second by: Begalka
Action: Failed by roll call vote. (3-2-2-0)

Voting Yes: Begalka, Vehle, Hunhoff (Jean)

Voting No: Tieszen, Buhl

Excused: Cutler, Nygaard

THE CHAIR DEFERRED SB 76 UNTIL TUESDAY, JANUARY 31, 2012

SB 78: allow an arrest to be expunged when the criminal case is dismissed.

Presented by: Senator Russell Olson

Proponents: Lindsey Riter-Rapp, SD Association Criminal Defense Lawyers
Tiffany Campbell, American Civil Liberties Union of SD

MOTION: AMEND SB 78

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On page 1, line 10, of the printed bill, delete "At" and insert "With the consent of the prosecuting attorney at".

On page 1, line 10, after "dismisses the" insert "entire".

On page 1, delete lines 11 and 12, and insert "record; or".

Moved by: Cutler

Second by: Vehle

Action: Prevailed by voice vote.

MOTION: DO PASS SB 78 AS AMENDED

Moved by: Vehle

Second by: Cutler

Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Tieszen, Cutler, Begalka, Vehle, Buhl, Hunhoff (Jean)

Excused: Nygaard

HB 1022: revise certain parole hearing provisions regarding inmate compliance, waivers, and teleconferencing.

Presented by: Laurie Feiler, Department of Corrections

MOTION: DO PASS HB 1022

Moved by: Cutler

Second by: Buhl
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Tieszen, Cutler, Begalka, Vehle, Buhl, Hunhoff (Jean)

Excused: Nygaard

HB 1023: repeal and revise certain provisions relating to the Department of Corrections.

Presented by: Laurie Feiler, Department of Corrections

MOTION: DO PASS HB 1023

Moved by: Vehle
Second by: Buhl
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Tieszen, Cutler, Begalka, Vehle, Buhl, Hunhoff (Jean)

Excused: Nygaard

MOTION: PLACE HB 1023 ON CONSENT CALENDAR

Moved by: Cutler
Second by: Vehle
Action: Prevailed by voice vote.

HB 1025: make aggravated incest a violent crime for purposes of setting an initial parole date.

Presented by: Laurie Feiler, Department of Corrections

MOTION: DO PASS HB 1025

Moved by: Hunhoff (Jean)
Second by: Vehle
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Tieszen, Cutler, Begalka, Vehle, Buhl, Hunhoff (Jean)

Excused: Nygaard

MOTION: PLACE HB 1025 ON CONSENT CALENDAR

Moved by: Cutler
Second by: Vehle
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Cutler
Second by: Vehle
Action: Prevailed by voice vote.

Rena Ortbahn
Committee Secretary

Craig Tieszen, Chair